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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,065	07/11/2000	Wayne Ihde	ADAPP136	1393

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EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/614,065

Applicant(s)

IHDE, WAYNE

Examiner

Michael V Battaglia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nozawa et al (hereafter Nozawa) (US 4,525,839).

Nozawa discloses a method for verifying sectors on an optical disc, comprising: writing user data located on a system buffer to unverified sectors of the optical disc; verifying the unverified sectors of the optical disc by reading the user data on the unverified sectors of the optical disc; and comparing the user data read from the unverified sectors of the optical disc with user data stored on a system buffer to determine whether any one of the unverified sectors having user data is

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defective, the verifying of the unverified sectors establishing verified sectors having user data (Col. 5, lines 10-22).

2. Claims 1-3, 7-11, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (hereafter Ito) (US 6,160,778).

In regard to claims 1, 9, and 17, Ito discloses a method for verifying sectors on an optical disc, comprising: writing user data located on a system buffer to unverified sectors of the optical disc; verifying the unverified sectors of the optical disc by reading the user data on the unverified sectors of the optical disc; and comparing the user data read from the unverified sectors of the optical disc with user data stored on a system buffer to determine whether any one of the unverified sectors having user data is defective, the verifying of the unverified sectors establishing verified sectors having user data (Col. 18, lines 24-62).

In regard to claims 2, 11, and 18, Ito discloses verifying a file system area on the optical disc and writing a file system to the file system area, wherein the file system is a data structure for locations of the user data on the optical disc (Col. 19, line 56 - Col 20, line 8).

In regard to claims 3, 10, and 19, Ito discloses verifying a bitmap area on the optical disc and writing a bitmap to the bitmap area, wherein the bitmap tracks and determines which sectors of the optical disc have been verified (Col. 19, lines 41-44 and 46-48). The examiner notes that the bitmap area of Ito is part of the file system area and is verified when the file system area is verified.

In regard to claim 7, Ito discloses sparing user data contained on a defective sector (Col. 4, lines 59-61).

In regard to claim 8, Ito discloses updating the file system after the user data has been moved to a different sector of the optical disc in the sparing operation (Col. 15, lines 37-48).

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In regard to claims 15 and 20, Ito discloses updating the bitmap after the sectors of the optical disc have been verified (Col. 19, lines 35-64).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Brown et al (hereafter Brown) (US 5,337,197).

Ito discloses a method for verifying sectors of an optical disc comprising verifying a bitmap area on the optical disc and writing a bitmap to the bitmap area, wherein the bitmap tracks and determines which sectors of the optical disc have been verified and updating the bitmap after the sectors of the optical disc have been verified as claimed in claims 1, 3, 9-10, 15, 17, and 19-20. Ito does not disclose deleting the bitmap after verification of the optical disc is complete.

Brown discloses a method for verifying sectors of a disc and writing a directory consistency block on the disc that contains location information for unverified sectors (Col. 2, lines 43-46). The directory consistency area is interpreted as a bitmap that tracks verified sectors of the optical disc because in Brown's method, data is verified after it is written (Col. 2, lines 26-27) and the directory consistency block tracks verified sectors of the disc by containing information about the sectors to be updated, which are the unverified sectors of the disc (Col. 2, lines 43-46). After the unverified sectors have been verified, the directory consistency block is deleted (Col. 2, lines 51-

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54). Furthermore, as does the bitmap in the current invention, the presence or absence of the directory consistency block on the disc indicates the verification status of the disc (Col. 3, lines 6-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to delete the bitmap in the method of Ito after the sectors of the disc have been verified as suggested by Brown; the motivation being indicate the verification status of the disc.

#### *Citation of Relevant Prior Art*

4. Horie et al (US 6,115,353) discloses writing dummy data in the unrecorded areas of a file management area of an optical disc (Col. 13, lines 34-40). Moriya et al (US 5,867,475) discloses writing 1's into unrecorded regions of a control area (Col. 3, lines 22-25). Yamamuro (US 5,805,547) discloses a method of verifying sectors of an optical disc wherein dummy data is recorded onto a disc at initialization time to determine sectors with defects (Abstract). McFerrin et al (US 5,142,515) discloses verifying sectors of an optical disc by writing user data and then determining if further data is to be written and if not, verifying the status of a predetermined number of the next sectors (Col. 11, 36-44).

#### *Allowable Subject Matter*

5. Claims 5-6 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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None of the references alone or in combination disclose or suggest a method for verifying sectors on an optical disc as claimed in claims 1 and 9 further comprising writing 0's to unverified sectors of the optical disc if it has been determined that further user data is not to be written to the unverified sectors and verifying the unverified sectors by reading the data written to the unverified sectors and determining if the data read from the unverified sectors are 0's.

*Conclusion*

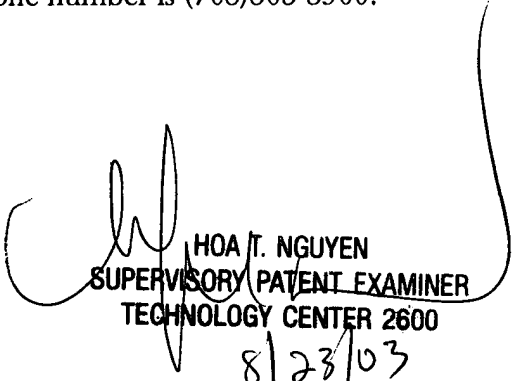
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



Michael Battaglia



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8/23/03